



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,623	05/31/2001	Daniel Mark Dreps	AUS920010256US1	1770

7590

06/30/2003

Andrew M. Harris
Weiss & Moy, P.C.
4204 North Brown Ave.
Scottsdale, AZ 85251-3914

EXAMINER

WELLS, KENNETH B

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 06/30/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231 *mm*

09 870 623

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	<i>5</i>

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The amendment filed on 5/20/03 is non-responsive because applicant failed to elect a single disclosed species, as set forth in the restriction/election requirement. The argument that the species of Figs. 2 and 5 are not independent and distinct because "Claims 1 and 18 are directed to both of these embodiments" is not persuasive because such is not the test for determining whether two species are independent and distinct (it simply means that claims 1 and 18 are generic claims).

Applicant is hereby given thirty (30) days from the mailing date of this letter to respond with a proper election. This deadline may not be extended.

Kenneth B. Wells
Kenneth B. Wells
Primary Examiner

June 27, 2003